

### REMARKS

Claims 1-30 were pending in this application prior to the submission of this paper. This amendment amends Claims 1-9, 11-12, 14, 16-20 and 26-27. Thus, after entry of this amendment, Claims 1-30 are pending and presented for further consideration.

The Examiner objected to Claims 1 and 8 because of a typographical error and required appropriate correction.

The Examiner rejected Claims 1-22 and 25-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,679,940 to Templeton et al. The Examiner also rejected Claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Templeton. Further, the Examiner rejected Claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Templeton in view of US Patent No. 6,283,366 to Hills et al.

#### **OBJECTION TO CLAIMS 1 AND 8**

The Examiner objected to Claims 1 and 8 because the word "driver" in Claim 1, line 18 and Claim 8, line 2 should be changed to "driver's".

With this amendment, Applicant has corrected the word "driver" to "driver's" in Claims 1 and 8. Applicant has also changed the word "driver" to "driver's" in Claims 2, 3, and 5.

#### **REJECTION OF CLAIMS 1-22 AND 25-30 UNDER 35 U.S.C. § 102(b)**

In the Office Action mailed March 27, 2007, the Examiner rejected Claims 1-22 and 25-30 under 35 U.S.C. § 102(b) as being anticipated by Templeton (U.S. Patent No. 5,679,940).

##### **Claims 1, 9, and 20**

Templeton does not teach storing account identifier information from a first checking transaction that is used to identify the user of an account when a second check drawn on the account fails to clear. Templeton appears to use account information perform a risk analysis to determine whether to accept the check, which occurs prior to submitting the check for clearance. Temple appears store account information acquired from a first checking transaction, but does not teach using the stored information to identify information about a check drafter when a second check

fails to clear.

In contrast, Claims 1, 9 and 20 teach receiving a communication indicating that a second check drawn on an account by a user failed to clear. The communication includes at least account information. Claims 1, 9, and 20 further teach locating a first record using the account information when the second check failed to clear, where the first record includes transaction information related to a first check drawn on the account by the user and the transaction information includes a first personal identifier for the user.

Because the reference cited by the Examiner does not disclose, teach or suggest receiving a communication that a second check failed to clear, and locating a first transaction record related to a first check transaction, where the second check was drafted after the first check, Applicant asserts that Claims 1, 9 and 20 are not anticipated by Templeton. Applicant therefore respectfully submits that Claims 1, 9, and 20 are patentably distinguished over the cited reference and Applicant respectfully requests allowance of Claims 1, 9 and 20.

**Claim 26**

Although Claim 26 has different language than Claim 1, Claim 26 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

**Claims 2-8, 10-19, 21-22, and 27-30**

Claims 2-8, which depend from amended Claim 1, Claims 10-19, which depend from amended Claim 9, Claims 21-22, which depend from amended Claim 20, and Claims 27-30, which depend from amended Claim 26, respectively, are believed to be patentable for the same reasons articulated above with respect to Claims 1, 9, 20, and 26, respectively, and because of the additional features recited therein.

**REJECTION OF CLAIMS 23 AND 24 UNDER 35 U.S.C. § 103(a)**

The Examiner rejected Claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Templeton, and Claim 24 as being unpatentable over Templeton in view of Hills .

Claims 23 and 24, which depend from amended Claim 20, are believed to be

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patentable for the same reasons articulated above with respect to Claim 20, and because of the additional features recited therein.

#### **NO DISCLAIMERS OR DISAVOWALS**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

#### **CONCLUSION**

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: Karen J. Lenker

Karen J. Lenker  
Registration No. 54,618  
Agent of record  
Customer No. 20,995  
(949) 760-0404